

**EIGHTY-FOURTH GENERAL ASSEMBLY
2012 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

MARCH 6, 2012

SENATE FILE 2267

S-5041

1 Amend Senate File 2267 as follows:
2 1. Page 9, after line 2 by inserting:
3 <n. A postsecondary educational institution
4 established in Bettendorf in 1969 to prepare students
5 for the federal communications commission radio
6 broadcasting examination.>
7 2. Page 13, line 26, after <termination> by
8 inserting <and the student began attendance in the
9 school term or course>

By HERMAN C. QUIRMBACH

S-5041 FILED MARCH 5, 2012
ADOPTED

SENATE FILE 2313

S-5042

1 Amend Senate File 2313 as follows:
2 1. Page 8, line 2, after <policy> by inserting <,
3 or its successor agency,>
4 2. Page 8, by striking line 12 and inserting:
5 80,594>

By PAM JOCHUM

S-5042 FILED MARCH 5, 2012



SF 2295 – Child Sex Abuse, Statutes of Limitation (LSB 5473SV)

Analyst: Beth Lenstra (Phone: 515-281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version – New

Requested by Senator Gene Fraise

Description

Senate File 2295 extends the statute of limitations for sexual abuse in the first, second, or third degree against minors. The Bill also extends the time for filing a civil action against an alleged sex offender.

Background

Correctional and Fiscal Information

1. Current law provides for a graduated system of penalties for sexual abuse in the first, second, or third degree, including a Class “A,” “B,” or “C” felony. Offenders charged under these statutes may plead to a lesser offense and be convicted of a Class “D” felony or aggravated misdemeanor.
2. Offenders convicted of a Class “A” felony are sentenced to life in prison without parole. Offenders convicted of a Class “B” sex offense are subject to serving at least 70.0% of their sentence in prison.
3. Sex offenders supervised by Community-Based Corrections may be required to wear an electronic monitoring device. Sex offenders are subject to requirements of the Sex Offender Registry administered by the Department of Public Safety for at least 10 years.
4. According to the Iowa Corrections Offender Network (ICON), for the four-year period FY 2008 through FY 2011, there were 19 offenders convicted of one or more sex offenses where offenses occurred over 11 years before the sentencing date. Convictions for these 19 offenders ranged from one serious misdemeanor to five Class “B” felonies.
5. The marginal cost per day for prison is \$15.59. The average cost per day for intensive supervision is \$7.78 and \$3.49 for probation or parole supervision. The average length of stay on intensive supervision for sex offenders is 460 days. The cost per day for Global Positioning System electronic monitoring bracelet is \$5.50. The average length of stay for sex offenders on electronic monitoring is 352 days.
6. According to the Justice Data Warehouse, the State Public Defender’s Office, and the Judicial Branch, the following are estimates for sentencing, length of stay, indigent cost and case cost for those convicted of Class A, B, C, D, or aggravated misdemeanors for crimes against persons or sex offenses convictions:

Type of Felon	Percent Sentenced to Prison	Avg Length of Stay in Prison	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Length of Stay on Parole	Special Sentence of Supervision	Cost of Indigent Defense	Avg cost per case for Judicial Branch
Class "B"	100.0%	17.5 years	0.0%	0.0%	48.8 months	Yes - Lifetime after discharge of sentence	\$3,600	\$4,600
Class "C"	61.1% (1)	64.0 months	36.7%	33.8 months	24.6 months	Yes - Lifetime after discharge of sentence	\$1,800	\$2,500
Class "D"	47.8%	36.8 months	52.2%	30.8 months	13.7 months	Yes - 10 Years after parole/probation	\$1,200	\$2,500
Aggravated Misdemeanor	31.4 (2)%	13.5 months	58.6%	18.1 months	5.3 months	Yes - 10 Years after parole/probation	\$1,200	\$1,000
(1) Another 2.2% are sentenced to county jail, a fine, community service or some combination thereof.								
(2) 16.4% are incarcerated in jail with an average length of stay of 54 days.								

Minority Data Information

Of the sex offenders sentenced 10 years after the offense date, 70.0% were white and 30.0% were White – Hispanic.

Assumptions

Correctional and Fiscal Information

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
3. The law will become effective July 1, 2012. A lag effect of six months is assumed from the effective date to the date of first entry of affected offenders into the correctional system.
4. All offenders will be placed on intensive supervision and electronic monitoring when they first enter probation or parole supervision.
5. Half of the offenders will be indigent. All trials will be by jury.
6. There will be an increase in county jail sentences for misdemeanor convictions. Marginal costs for county jails cannot be determined due to a lack of data. For the purpose of this analysis, the marginal cost for county jails is \$15.00 per day.
7. Any correctional or fiscal impact of the Sex Offender Registry is expected to be minimal under this Bill.
8. There may be a fiscal impact on the court system for additional civil actions brought under the provisions of this Bill. That impact is expected to be minimal.

Minority Data Information

1. The impact on minorities will remain consistent with the four-year study period.
2. Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact

There will be an estimated five offenders annually convicted under this Bill. These will be new offenders in the criminal justice system. On an annual basis, these offenders will be sentenced as follows: one Class B and one Class C felon to State prison, and three to probation supervision (one each of a Class C felon, Class D felon, and aggravated misdemeanor).

There will be one offender sentenced to prison in FY 2013, and two annually thereafter. The prison population will increase by one offender in FY 2013, and by two annually thereafter. By 17 years after enactment, the prison population will increase by 22 offenders. The incremental increase in the prison population is due to the low number of admissions expected under the Bill, coupled with the long length of stay.

There will be two admissions to probation supervision in FY 2013, and three annually thereafter. The population will increase incrementally due to the low number of admissions coupled with the long length of stay under supervision.

One offender will be sentenced to a county jail in FY 2013. There will be one offender each succeeding year. The average length of stay is 54 days so the county jail populations are not expected to significantly increase.

Minority Impact

Approximately 30.0% (1 offender) convicted under this Bill may be White – Hispanic.

Fiscal Impact

The fiscal impact is estimated to be an increased cost to the State General Fund of \$22,600 in FY 2013 and \$62,700 in FY 2014. The table below shows the impact by areas within the State criminal justice system. Costs will continue to increase in future fiscal years because the length of stay in the system exceeds one year.

State General Fund Impact

	FY 2013	FY 2014
Court System	\$9,600	\$13,100
Indigent Defense	5,400	6,600
Prison	2,800	22,800
CBC	4,800	20,200
Total	<u>\$22,600</u>	<u>\$62,700</u>

The impact on county budgets for jail operations is expected to be minimal.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
State Public Defender's Office
Judicial Branch

/s/ Holly M. Lyons

March 5, 2012

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.



SF 2304 – DNA Profiling of Offenders (LSB 5306SV)

Analyst: Jennifer Acton (Phone: 515-281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version – New

Description

Senate File 2304 requires a person convicted of an aggravated misdemeanor to submit a DNA sample. Exceptions to the DNA sampling include, aggravated misdemeanor offenses under Iowa Code sections **321.561** (driving while barred habitual offender), **714.2**(3) (theft third degree), and **714.7** (operating a vehicle without consent). The Bill is effective July 1, 2013.

Background

1. The current DNA profiling program applies to persons with a deferred judgment or convictions for a felony; a sexually violent predator; a person found not guilty by reason of insanity for an offense that requires DNA profiling; a juvenile adjudicated delinquent for an offense that requires DNA profiling; a person required to register as a sex offender; or a person in custody, control, or jurisdiction of a supervising agency prior to June 14, 2005, with an offense that requires DNA profiling.
2. In FY 2011, there were 3,530 offenders convicted of aggravated misdemeanor offenses in prison and under Community-Based Corrections (CBC) supervision that have not provided a DNA sample.
3. In FY 2011, there were 2,429 offenders convicted of new aggravated misdemeanors admitted to prison or under CBC supervision.
4. In FY 2011, there were 3,742 offenders convicted of aggravated misdemeanor offenses that were not placed under CBC supervision but rather served time in jail, paid a fine and were released, or received probation.
5. The following is a list of the top five aggravated misdemeanor convictions for FY 2011, excluding the three offenses that do not require DNA sampling under the Bill:
 - Operating a Vehicle While Intoxicated (OWI) Second Offense – 2,770
 - Child Endangerment/No Injury – 687
 - Harassment First Degree – 415
 - Burglary Third Degree – Unoccupied Motor Vehicle – 380
 - Domestic Abuse Assault Second Offense – 379
6. In FY 2011, there were 423 aggravated misdemeanor cases where juveniles had charges adjudicated in juvenile court. (This includes consent decree, juvenile admission, guilty, and adjudication codes.)
7. DNA kits are provided by the Department of Public Safety (DPS) and are paid from the General Fund appropriation to the Division of Criminal Investigation (DCI). The total cost to the Department for one DNA kit is \$30. The DPS provides the DNA kits to the Department of Corrections and to county jails.

8. One entry-level criminalist, including salary and benefits, is \$71,000. One entry level clerk-specialist, including salary and benefits, is \$43,600.
9. The one-time cost for a user license for the Laboratory Information Management System is \$3,000.
10. For aggravated misdemeanor convictions where race is known, 26.0% are minority with 17.2% of those being African American.

Assumptions

1. The majority of DNA samples from aggravated misdemeanants will be taken at the county jails.
2. The total number of samples taken in the first year will be approximately 10,100 and in the second year 6,600 samples will be taken.
3. The Department of Public Safety will need to add two additional criminalists and a part-time clerk specialist. The positions will be filled at the entry-level. The estimate for FY 2015 assumes a 4.5% step increase.

Fiscal Impact

The following chart shows the fiscal impact to the Department of Public Safety. The Bill is effective July 1, 2013 (FY 2014).

Cost Estimate for SF 2304		
	FY 2014	FY 2015
Salaries and benefits for 2.0 Criminalists and 0.5 Clerk Specialist	\$ 164,000	\$171,000
Three Laboratory Information Management System (LIMS) licenses	9,000	0
Sampling and Analysis Supplies	303,000	198,000
	<u>\$ 476,000</u>	<u>\$369,000</u>

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Department of Public Safety

/s/ Holly M. Lyons

March 5, 2012

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to **Iowa Code Section 2.56**. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
